

ORIGINAL

johcruz5k

LEONARDO M. RAPADAS
United States Attorney
KARON V. JOHNSON
Assistant U.S. Attorney
Suite 500, Sirena Plaza
108 Hernan Cortes
Hagåtña, Guam 96910
Telephone: (671) 472-7332/7283
Telecopier: (671) 472-7334/7215

FILED
DISTRICT COURT OF GUAM

AUG 25 2006 *mb*

MARY L.M. MORAN
CLERK OF COURT

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN V. CRUZ,

Defendant.

CRIMINAL CASE NO. 05-00053

**GOVERNMENT'S STATEMENT
ADOPTING PRESENTENCE REPORT,
MOTION FOR ADDITIONAL ONE-
LEVEL DEPARTURE AND MOTION
FOR SUBSTANTIAL ASSISTANCE
DEPARTURE**

Pursuant to General Order 88-1, as amended by General Orders 93-00006 and 98-00002, the United States adopts the findings of the Presentence Report for the above defendant.

In addition, the United States of America, plaintiff, by and through the undersigned counsel Karon V. Johnson, Assistant United States Attorney, moves this Honorable Court for a one level departure downward from the guidelines sentencing level pursuant to USSG § 3E1.1(b) because the defendant timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the court to allocate its resources efficiently. Accordingly, defendant's total offense level will be 29. With a criminal history of II, this requires a term of 97-121 months incarceration. Given the quantity of drugs involved, defendant is subject to a mandatory minimum sentence of 120 months incarceration.


The United States hereby moves this Honorable Court for a departure from the mandatory minimum term of 120 months, as provided by 18 U.S.C. § 3553(c), and the

1 Guidelines level, as provided by USSG Section 5K1.1, on the basis that defendant has rendered
2 substantial assistance to the government in its investigation of drug trafficking on Guam.

3 The government is filing under seal a separate sentencing memorandum concerning the
4 details of that cooperation. The government is recommending that defendant receive a sentence
5 of 78 months incarceration.

6 RESPECTFULLY SUBMITTED this 25th day of August, 20006.

7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and NMI

10 By: 
11 KARON V. JOHNSON
12 Assistant U.S. Attorney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28